



October 1, 2001

Ms. Kelly N. Saucier  
Assistant City Attorney  
City of Missouri City  
P.O. Box 666  
Missouri City, Texas 77459

OR2001-4217A

Dear Ms. Saucier:

This office has re-examined Open Records Letter No. 2001-4217 (2001). This matter was assigned ID#155431.

The City of Missouri City (the "city") received a request for "Home Owner With Security Alarms." In Open Records Letter No. 2001-4217 (2001), this office concluded that the city could not withhold the requested information under section 552.101 of the Government Code because the city failed to submit the responsive information for our review. You have clarified that the requestor is only seeking the "names and addresses of homeowners with security alarms." Based on your representations, this office will consider the merits of your original argument for withholding the requested information under section 552.101. See generally Gov't Code § 552.011 (providing that the Office of Attorney General may issue a decision to maintain uniformity in application, operation, and interpretation of this chapter)."

Section 552.101 of the Government Code excepts from disclosure information that is confidential by law. Information contained in alarm systems records is governed by section 1702.284 of the Occupations Code, which provides:

Information contained in alarm systems records maintained by a governmental body that concerns the location of an alarm system, the name of the occupant of an alarm system location, or the type of alarm system used is confidential and may be disclosed only to the board or as otherwise required by state law or court order.

Therefore, we conclude that you must withhold the occupants' names and the locations of the alarm systems under section 552.101 in conjunction with section 1702.284 of the Occupations Code. Open Records Letter No. 2001-4217 (2001) is, therefore, withdrawn and this ruling is substituted in its place.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Simpson", written in a cursive style.

Gregory T. Simpson  
Assistant Attorney General  
Open Records Division

GTS/seg

Ref: ID#155431

Encl. Submitted documents

cc: Mr. Gary Chilo  
12059 Willow Trail  
Houston, Texas 77035  
(w/o enclosures)